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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**
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11 KEVIN YOUNG and ELAINE YOUNG,

12 Plaintiffs,

13 v.

14 LAW OFFICES OF HERBERT DAVIS, et
15 al.,

16 Defendants.

Case No. 13-cv-01108 NC

ORDER RE: PROOF OF SERVICE

Re: Dkt. No. 24

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18 On October 18, 2013, the Court ordered plaintiffs to submit a supplemental brief in
19 support of their motion for default judgment, Dkt. No. 24, explaining why leaving copies of
20 the summons and complaint with “PRITI ‘DOE’, PERSON IN CHARGE OF WALL
21 STREET CONNECTION POSTAL SERVICE” as shown on the proofs of service filed
22 with the Court, Dkt. Nos. 4 and 5, effects service of process on the defendants in this case.
23 Dkt. No. 32. On October 30, plaintiffs filed a supplemental declaration of Jim Price,
24 asserting that defendants were served “by substituted service to the business address
25 Defendant gave to the California State Bar” and that the same method was used by
26 counsel’s office to serve the same defendants in a different case, *Page v. Performance Debt*
27 *Resolution, et al.*, No. 12-cv-04029 EDL. Dkt. No. 35 ¶ 3. The declaration further asserts
28 that service was proper under Rule 4(e)(1) of the Federal Rules of Civil Procedure,

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1 permitting service following California law, and California Code of Civil Procedure §
2 415.20. *Id.* ¶ 4.

3 Section 415.20(b), providing for substituted service on individuals, requires that a
4 copy of the summons and complaint are left “at the person’s dwelling house, usual place of
5 abode, usual place of business, or usual mailing address other than a United States Postal
6 Service post office box, in the presence of a competent member of the household *or a*
7 *person apparently in charge of his or her office, place of business, or usual mailing address*
8 other than a United States Postal Service post office box, at least 18 years of age, who shall
9 be informed of the contents thereof.” Cal. Civ. Proc. Code § 415.20(b) (emphasis added).
10 Similarly, section 415.20(a) which applies to entities, provides for service on a defendant by
11 “leaving a copy of the summons and complaint during usual office hours *in his or her office*
12 or, if no physical address is known, at his or her *usual mailing address*, other than a United
13 States Postal Service post office box, *with the person who is apparently in charge thereof*”
14 and that if service is to a mailing address, the copy of the summons and complaint must be
15 “left with a person at least 18 years of age, who shall be informed of the contents thereof.”
16 Cal. Civ. Proc. Code § 415.20(a) (emphasis added).


17 Here, unlike the prior case referred to by plaintiffs, the proofs of service filed with the
18 Court state that the copies of the summons and complaint were left with Priti “Doe,” a
19 person in charge of “WALL STREET CONNECTION POSTAL SERVICE.” Dkt. Nos. 4,
20 5. While plaintiffs assert that defendants were served at the business address provided by
21 defendant Herbert Davis to the California State Bar, it is unclear what is the relationship
22 between defendants’ business address and “WALL STREET CONNECTION POSTAL
23 SERVICE,” and whether Priti “Doe” was a person “apparently in charge” of defendants’
24 business address as required by § 415.20. Plaintiffs have until November 22, 2013 to either
25 file amended proofs of service or a declaration from the appropriate person showing that
26 defendants were served in compliance with the requirements of § 415.20.

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1 Plaintiffs must serve a copy of this order and any filings in response to this order on
2 defendants in the same manner used to serve defendants with the motion for default
3 judgment.

4 IT IS SO ORDERED.

5 Date: November 7, 2013


Nathanael M. Cousins
United States Magistrate Judge